United Nations A/HRC/26/37/Add.11

General Assembly

Distr.: General
11 June 2014

English only

Human Rights Council
Twenty-sixth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Mission to Belize: comments by the government to the report of the Special Rapporteur*

* Reproduced as received.

GE.14-04700 (E)
1404700

Please recycle

Report of the Special Rapporteur on trafficking in persons, especially women and children

1. The following are the comments and clarification of the Government of Belize on the advanced draft of the report of the Special Rapporteur on Trafficking in Persons, Joy Ngozi Ezeilo regarding her mission to Belize which occurred December 12 to 16th , 2013 .

Paragraph 6:

2. While "fichera" is more common among females of Hispanic descent, the commercial sexual exploitation of children is not limited to one ethnic group.

Paragraph 10:

3. The Special Rapporteur was provided with information on the number of arrests made, interviews conducted, cases prosecuted and the disposition of the prosecuted cases for the period 2010-2012 in an email of 16 December 2014. The information was transmitted by email as this was the agreed mode of communication regarding supporting documentation following the mission.

Paragraph 27:

4. Within the Belizean context national plans of action are not submitted to Parliament, but rather to Cabinet (the Executive). It is then the prerogative of the Executive whether the plans will be submitted to Parliament. The fact that since 2006 there has been a specific allocation in the national budget for human trafficking, which is separate and apart from allocations in the budgets of line Ministries which are used for this purpose underscores that the lack of Parliamentary approval does not endanger budgetary allocations for the Plan.

Paragraph 30:

5. The Anti-trafficking in Persons Taskforce was not established by the 2003 Act, but rather by executive sanction.

Paragraph 35:

6. There is a national referral system and it is outlined in the Standard Operating Procedures a copy of which was provided to the Special Rapporteur. Pages 15 and 16 of that document states:

- "The general public, all non-governmental organizations, governmental departments and agencies, educational institutions, and the media must be sensitized about trafficking in persons. They can all be excellent sources and resources for intelligence gathering, but importantly, they are front-line agencies which can be the eyes and ears of the Anti-Trafficking in Persons Council.They must know that if any of them encounters a situation that seems to have elements of trafficking, they can contact the nearest Police or the Human Services Departments. For this purpose, the Police Department and the Human Services Department shall each appoint a district focal point. The names of these officers and their contact information shall be informed to all district officers. All district officers must be informed that whenever a case that appears to have trafficking elements comes before them, they must immediately refer same to their district focal points. The district focal points shall, in turn, immediately refer any suspected case of trafficking in persons

to the National focal point, who, for the purposes of the present Operating Procedures, shall be the Head of the National Crimes Investigation Branch ("Head CIB"). "

7. This is repeated in public service announcements as the general public is asked to contact either the Police or Department of Human Services in their area to report suspected cases. This message is likewise transmitted in community information sessions delivered by Youth Enhancement Services, one of the NGO members of the ATIP Council. NGOs working on related issues are involved in the victim identification and do make referrals to both the Police and Department of Human Services as underscored by the case study presented in Paragraph 38.

Paragraph 38:

8. Based on the information shared by the Special Rapporteur at the debriefing meeting at the end of her mission, both 17 year old girls were removed from the prison and repatriated. The protocols between Immigration Department, the Department of Human Services and the Belize Central Prison for the transmission of information on unaccompanied minors were reviewed and strengthened. The placement of these children in the prison for immigration violations was contrary to existing protocols. In 2013 for instance the Department of Human Services provided protective services for 28 unaccompanied minors referred by the Immigration Department. This breach has been documented.

Paragraph 39:

9. The Standard Operating Procedures have been developed for all government stakeholders involved in human trafficking matters so the above identification and referral protocols apply to the Immigration Department. In 2012 the ATIP Council completed the training of 100% of immigration and labour officers in their roles and responsibilities in the identification and referral of suspected human trafficking victims. Another round of training on the new law and a refresher on roles and responsibilities will commence in August 2014.

10. Regarding the presence of social workers during screening of victims, social workers always collaborate with Police on rescue operations as these are planned by the Operations Subcommittee, which is chaired by Human Services. These rescue operations usually includes multiple interviews being conducted by a number of police officers and Social workers are there interviews. The screening and interviews with persons who are referred otherwise is done by one police officer, as has been acknowledged by this Report. Social Workers are always present at these interviews.

11. A distinction needs to be made between rescue operations conducted by the ATIPS and other operations conducted by immigration and labour. Indeed social workers are not present on those operations hence the reason labour and immigration officers have been trained on identification of potential victims and the referral process as outlined in the SOP.

Paragraph 43:

12. The assistance to victims provided is NOT conditional. It is the overall policy of the Ministry of Human Development to provide protection services to all victims of violence, irrespective of their immigration status and nationality. In the case of human trafficking victims, it is a also a legal responsibility. Services are provided to both victims and suspected victims. Suspected victims are placed in care until, a determination of their case is made and provided with the same services, including special immigration permits .

13. It is unclear how the conclusion that individual assessment and case management is not occurring has been drawn. There is case management for victims and treatment plans are developed according to their individualised needs. Case management and treatment planning is the core of the work done by the Department of Human Services for all victims of violence , not only human trafficking victims.

Paragraph 44:

14. Clarification is sought on what evidence is being used to characterise the victim assistance system as "extremely ad-hoc and weak." There is case management for victims and treatment plans are developed according to their individualised needs. The system does not conform to those in other countries but it is what is realistic within in the Belizean context. The small number of victims does not make one stop shelters staffed with medical professionals, psychologists, lawyers and the like feasible. Also, as noted in paragraph 45, having one centralised shelter poses risks for victims in a small country with a population of less than half a million people. Housing for adult victims is provided in a number of ways according to the risk level and needs of the victim, including shelters, rented houses for independent or semi- independent living for adult victims, placements with families, Children are cared for within the framework of the child abuse protection system and placed within the substitute care system.

15. The 2013 US State Department Global Trafficking in Persons Report states:

- "The Belizean government sustained its efforts to protect trafficking victims during the reporting period."
- "The government provided victim care and assistance through placements in safe houses including shelters in the Cayo and Belize districts, or with families around the country. There were no reports that victims were detained involuntarily in these shelters. The government placed child victims in foster care or with relatives." (p.95)

16. The fact that since 2008, 16 victims, who represent the majority of victims, remain in care for an average of 2 years is a demonstration that there is a level of care within the victim assistance system. Victims have the option of being repatriated, they are aware of this option and some have chosen this option. There are some who chose to remain in the country even after their case is completed and they are assisted in making the transition. There are 3 Nepali and 2 Indian nationals, who have been assisted in making this transition and are now working on their citizenship.

Paragraph 44:

17. There is only one civil society organisation that provides adult victim services and the government collaborates with that organisation as the Report notes in paragraph 46. There is collaboration with civil society organisations that manage care facilities for child victims of violence. Civil society organisations just do not have sufficient capacity to establish shelters. The history of residential care facilities for children and domestic violence shelters managed by civil society is that despite assistance from the Government they still struggle. They would need to be fully funded by government to survive. Given the need to provide a range of placement/housing options for victims due to the issues already raised, Government would be hard pressed to fund shelters at the levels that would be required by civil society.

Paragraph 46:

18. The agreement between Help for Progress and Government of Belize when human trafficking victims are placed includes resources being provided for the recurrent costs of

running the shelter which is separate and apart from the stipends provided to the adult victims themselves. These victims are also assigned a social worker who provides case management

Paragraphs 50 and 51:

19. The following points of clarification are made with regards to the case study discussed in these two paragraphs:

(a) Counselling services were provided for this victim at the institution where she was initially placed and later in the foster home when it was clear that she still continued to struggle to deal with the traumatic effects of her experience. It has been difficult to provide this victim with these services because after giving her initial statement to the Police, she has not wanted to speak of her experience to anyone, except her foster mother who has been instrumental in getting her to accept these services. The fact that she was willing to speak to the Special Rapporteur is actually seen as a very positive sign of the progress she has made and she was encouraged to do so as a part of her psychological rehabilitation.

(b) Regarding the matter of her expressing having suicidal thoughts two years after being rescued, rehabilitation from traumatic events is a very individual experience and cannot be time lined. The healing process and the time the process takes for each individual is different irrespective of the quality of psychological care received.

(c) There are no formal English as a second language classes available, except at University level. The hiring of a private tutor to provide language classes to the victim is the only viable option to assist her with language acquisition.

(d) The victim was fearful of leaving the confines of her foster family's home to attend any sort of training, language issues not withstanding.

(e) The victim was removed from the institution and placed in foster care because based on her assessment, it was determined that such a placement would better meet her needs as she was extremely fearful, distrusting and not adjusting well to the institution. Although the foster family was not trained in specifically caring for human trafficking victims, they were chosen because of their record of success with traumatised and special needs children.

(f) Regarding the efforts to acquire a passport for the victim. Two formal, written requests have been made, but there has been a series of communications with the consulate of the country to follow up.

Paragraph 68:

20. The ATIP Council has an on going national, multilingual, (English, Spanish, Hindi, and Mandarin), multimedia public information and education campaign on human trafficking that includes radio and TV public service announcements. There are also anti trafficking posters at all border points and billboards nationally whose maintenance are paid for by the ATIPS Council. Please also note that the efforts of the Special Envoy are conducted in collaboration with the ATIPS Council and the Belize Tourism Board is a part of the ATIPS Council so its public awareness efforts occur within the rubric of the Council's plan. The posters produced by IOM were not widely distributed at the time of the mission as they were developed in the middle of 2013 and where therefore earmarked to be used on continuing public awareness work of the Council in 2014.

Paragraphs 55 and 56:

21. The ATIPS Committee, now Council has been working with embassies and consulates on the repatriation of victims, suspected victims of trafficking and unaccompanied minors even prior to the 2013 legislation to ensure the repatriation of persons. Since 2008 77 persons have been repatriated through the cooperation of embassies, consulates and other government officials in countries of origin. This number includes 60 Nepali nationals that were a part of a case of labour exploitation by a Chinese company. Five persons involved in the case opted to remain in Belize and assist with the prosecution of the case.

22. In view of the above comments, it is respectfully recommended that the related recommendations be reviewed.